

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, February 21, 2005

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, R. Hall, G. Zimmer  
Members absent: J. Goodwin, K. Holt, P. Kochenburger, P. Plante, B. Ryan  
Alternates present: C. Kusmer, B. Pociask  
Alternates absent: V. Stearns  
Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:24 p.m., appointing both alternates to act as voting members and Mr. Zimmer to act as secretary.

Minutes: 2/6/06 – Gardner MOVED, Hall seconded to approve the Minutes as presented; MOTION PASSED unanimously.

2/14/06 field trip – Gardner MOVED, Favretti seconded to approve the Minutes as presented; MOTION CARRIED, Gardner and Favretti in favor, all else disqualified. Zoning Agent's Report – January Enforcement Activity Report acknowledged without any questions from members.

#### Old Business

Kueffner proposed 1-lot subdivision (Nelson Brook Estate) on Forest Rd., file 1239 – Item tabled pending IWA action and staff reports.

Chapel use modification request, 1768 Storrs Rd., file 864-3 – Noting the 2/14/06 memo from the Eastern Highlands Health District, Pociask MOVED, Hall seconding, to authorize the PZC Chairman and Zoning Agent to the modification request of B.T. Partners, LLC, for a chapel use associated with St. Paul's Collegiate Church within an existing building at 1768 Storrs Road, as described in applicant submissions, subject to the following conditions:

1. This approval authorizes a chapel use limited to a maximum of 120 seats and as described in application submissions to the PZC and to Eastern Highlands Health District. The proposed new septic system shall be installed pursuant to Health Code requirements prior to the issuance of a Certificate of Compliance for the approved 120-seat chapel use;
2. Due to potential concerns regarding the adequacy of onsite parking for all uses of this property, this authorization is for the proposed chapel use and a continuation of existing office uses. No occupancy of the 3,000 +/- square feet of space unoccupied at the date of this approval shall take place without further authorization from the PZC. The adequacy of existing parking and sanitary systems will be important factors in determining appropriate use of remaining space;
3. The three existing handicap parking spaces onsite shall be revised as necessary to address current State requirements for delineation and signage;
4. The property-owner and tenants shall monitor parking patterns in the gravel/crushed stone parking area and, as necessary, implement wheel stops or other measures to encourage parking in the previously-approved pattern. No parking or other obstructions

shall be allowed in parking lot aisles, as they are part of the fire lane system and must be kept clear for use by emergency vehicles, and no parking shall be allowed along Route 195;

5. All applicable Health Code and Building and Fire Codes shall be addressed and required permits obtained prior to construction/renovation or occupancy by the public for this approved change in use;

6. No services shall be held prior to 6 p.m. on any weekday.

MOTION PASSED unanimously.

Continued Public Hearing, special permit application for proposed retail/storage/office use at 699 Storrs Rd., G. W. Bldg. & Development, LLC, file 554-3 – The continued Public Hearing was called to order at 7:30 p.m. Members and Alternates present were Favretti, Gardner, Hall, Zimmer, Kusmer and Pociask. There was no legal notice. Communications received since the last Public Hearing session were: Dir. of Planning (2/17/06); Ass't. Town Engineer (2/16/06); Off. of the Fire Marshal (2/16/06); B. Roe (undated letter); K. McCarthy (2/20/06 letter); additional submitted information from the applicant (2/13/06). Applicants John Zizek and Weison Huang distributed and briefly described paper reproductions of an 18-point slide presentation illustrating proposed signage, outside treatment, landscaping, existing entrance/parking, septic location and other site details. The primary use of this site would be as a business-to-business location with showroom and business areas, with minimal retail activity. They are now requesting 10 parking spaces, including 1 handicap space to meet code standards. Photos illustrated large (40-foot) truck parking, which, Mr. Zizek stated, would only take place infrequently and for short periods of time. He added that large trucks would never be left unattended on the site, and would present no negative visual impact. There would be no overnight parking of large vehicles and no outside storage.

Mr. Zizek noted that the Eastern Highlands Health District has communicated that the plans comply with the State Health Code. The existing septic tank has been noted on the plans, and it was stated that the tank is to be replaced. Mr. Zizek pledged that the water will be made potable and re-tested for coliform bacteria before the business opens.

Landscaping was the subject of considerable discussion. The applicants have requested permission from the State DOT to place plantings within the State right-of-way, but reported the DOT will not permit any tall trees or shrubs, citing sightline concerns; this concern was also noted by the Ass't. Town Engineer in his 2/16/06 memo. Mr. Zizek did verbally outline plans for specific plants, as well as selected specimens of stone "garden art". The applicants were asked to provide precise plant specifications to include botanical names of plants, common names, size at time of planting, and quantity of each plant.

The DOT's sightline concern also applied to the proposed signage, and a new free-standing sign is now being designed to replace the present one. The building exterior is to be a light grey-beige textured finish. In addition, there would be no Sunday hours. Exterior lights would be downward-directed, shielded, and motion-sensitive to discourage night-time vandalism; photos of previous building defacement were presented to demonstrate the need for night-time lighting. After further discussion, public participation was invited.

Brian McCarthy expressed concern that the site would still be an “eyesore” and that the site is smaller than before. He questioned the soils-testing results and expressed concern for chemical contents in the water. Mr. McCarthy expressed some support for the proposal, but added that the PZC should incorporate requirements for site improvement as conditions of approval.

Phil Robert stated his support for the project and recommended allowing the business to prove successful before requiring outside improvements.

There were no additional comments from the public, and the Hearing was closed at 8:16 p.m. Mr. Hall volunteered to work on a motion.

Bovino Manor, Sec. II subdivision, 2 lots on Conantville Rd., V. & F. Bovino, owners, M. Dilaj, Trustee/appl., file 1241 – Memos were noted from the Planning Dir. (2/17/06) and Eastern Highlands Health District (B. DeVito, 2/9/06 and 2/13/06; the latter memo reports that the plans comply with the State Health Code and the proposed lot is suitable for development with an onsite subsurface sewage disposal system. Mr. Dilaj explained that the 26.96-acre property contains 2 structures, an upstairs-downstairs duplex home and a garage with an upstairs apartment. The owners wish to have both of these existing structures on one lot, (149 Conantville Road), leaving the rest of the land as “remaining land” for potential development. He also agreed to incorporate all of the Planning Director’s recommendations, and stated that all of the Ass’t. Town Engineer’s recommendations had been incorporated. Gardner then MOVED, Hall seconding, to approve with conditions the one-lot subdivision application of Michael Dilaj, Trustee, for Bovino Manor, Section II, on property located north of Conantville Road and Meadowbrook Lane and south of Puddin Lane, and including existing residences at 149 Conantville Road, in R-20 and RAR-40 zones, as submitted to the Commission (file 1241) and shown on plans dated 1/6/06 as revised to 2/3/06. This approval is granted because the application as hereby approved is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations. Approval is granted with the following modifications or conditions:

1. Final plans shall be signed and sealed by the responsible surveyor and engineer;
2. As noted in a 2/9/06 letter from Mr. Dilaj, the existing cesspool serving the 2-bedroom apartment needs to be replaced with a new leaching system. The final plans shall reference this need;
3. Pursuant to Subdivision Regulations provisions, particularly Sections 7.5 and 7.6, this action specifically approves the depicted building area envelopes. Unless revisions are specifically authorized by the Commission, the depicted building area envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be noted on the final plans and specifically Noticed on the Land Records;
4. This approval accepts the applicant’s proposed postponement of any open space dedication until such time as the remaining land is subdivided. The existing note on the subdivision plans shall be revised to clarify that the PZC shall have the right to base future open space dedications on the original lot size of 26.96 acres;
5. Final plans shall be revised to address the following:
  - A. The addition of sightline distances for the existing Lot 1 driveway;

B. The addition of at least one additional concrete monument along Conantville Road to address the provisions of Section 8.12

C. Revisions to depicted BAE's and DAE's that more appropriately utilize existing tree lines and areas of existing residential activity, with some flexibility for future site work and accessory structures. The submitted BAE's and DAE's use standard setbacks and extend into steeply-sloped undeveloped woodlands. Any questions regarding final BAE's and DAE's shall be resolved by the PZC Chairman, with staff assistance (see Sections 7.5, 7.1 and 7.2);

D. The addition of appropriate notes to address stone wall and specimen tree preservation;

E. Deletion or modification of the zoning table on sheet 2 to address current BAE requirements;

F. Depiction as deemed appropriate by the applicant of any needed slope rights for future accessways on the remaining land

6. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety or one hundred and eighty-day filing extension has been granted);

A. All final maps, including submittal in digital format, a right-of-way deed for land along Conantville Road and Meadowbrook Lane, any needed slope rights in favor of the remaining land, and a Notice to address condition 3 for recording on the Land Records (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

B. All monumentation, with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant.

MOTION PASSED unanimously.

Tabled items:

1. Special permit application, proposed Mansfield Hollow hydropower project, 114 Mansfield Hollow Rd., S.&M. Shifrin, o/a, file 1243 – Public Hearing scheduled for 3/6/06

2. Special permit application, fill activity at 140 Bassetts Bridge Rd., L. DeBoer, jr., appl., file 1242 – Public Hearing scheduled for 3/6/06

3. Proposed PZC fee revisions – (awaiting staff report)

Freedom Green, Mohegan Square cul-de-sac and fire hydrant revisions – Reports were acknowledged from the Dir. of Planning (2/17/06); Ass't. Town Eng'r. and Fire Marshal (both 2/16/06). Notice of the proposal was also forwarded to the homeowners association of The Villages of Freedom Green, but no response was received. The site was visited during the most recent field trip. Mr. Padick related that the existing driveway had never received PZC approval, and staff members feel this plan for a revised fire hydrant location and T-shaped roadway is an improvement over the approved plan. Hall

MOVED, Gardner seconding, that the PZC Chairman and Zoning Agent be authorized to approve the 1/26/06 modification request for roadway and fire hydrant revisions at the end of Mohegan Square in the Freedom Green development. Except for work authorized by this approval, all terms and conditions of previous Planning and Zoning Commission approvals shall remain in effect. MOTION PASSED unanimously.

#### New Business

UConn Water Supply Plan January 2006 Addendum – A copy of the Town's 2/16/06 comments to the CT Dep't. of Public Health was included in members' packets. Mr. Padick related that this water supply plan is very important for UConn and for the implementation of our 2006 Plan of Conservation & Development. He noted that the updated plan includes a stronger commitment to water conservation than the University has heretofore demonstrated. The State Dep't. of Health is expected to act on the plan this spring.

Regulatory Review Committee – A meeting has been scheduled for March 1st at 1 p.m. in Conf. Room B. All are welcome to attend.

Communications and Bills – As noted on the agenda.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,  
Gary Zimmer, Secretary pro tem.